

**FILED**

DEC 01 1997

SECRETARY, BOARD OF  
OIL, GAS & MININGBEFORE THE BOARD OF OIL, GAS AND MINING  
DEPARTMENT OF NATURAL RESOURCES  
STATE OF UTAH

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IN THE MATTER OF THE PETITION FILED	:	
BY THE DIVISION OF OIL, GAS AND	:	STIPULATION, MOTION AND
MINING FOR AN ORDER FINDING THAT	:	ORDER FOR DISMISSAL
UTAH BUILDING STONE SUPPLY HAS	:	
WILLFULLY VIOLATED THE MINED LAND	:	DOCKET NO. 97-017
RECLAMATION ACT AT THE GROUSE	:	CAUSE NO. M/003/031
CREEK QUARRY, BOX ELDER COUNTY,	:	
UTAH, AND AUTHORIZING CRIMINAL	:	
ACTION BY THE ATTORNEY GENERAL.	:	

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The Division of Oil, Gas and Mining ("the Division") by and through its counsel, moves the Board of Oil, Gas and Mining (the "Board") for order of dismissal without prejudice of Docket No. 97-017 scheduled to be heard on December 10, 1997 based on the Stipulation signed by the Division and William and Preston Bown d.b.a. Utah Building Stone Supply ("UBSS"). This action will allow the Division to monitor UBSS' compliance with both the certain Order of the Board issued in Docket No. 97-016 and the Stipulation. UBSS understands failure to comply with either requirement may result in a re-filing of the violation.

UBSS has partially complied with the order issued in Docket No. 97-016 by posting an interim surety of \$12,500.00. UBSS will be in full compliance if by no later than 5 p.m. in Salt Lake City on Monday, December 1, 1997, UBSS has filed an administratively complete Large Mining Operation application ("LMO") with the Division which subsequently is approved.

## **STIPULATION**

The DIVISION and the OPERATOR, Utah Building Stone Supply, HEREBY  
STIPULATE AND AGREE TO DISMISSAL of Docket No. 97-017, Cause No. M/003/031,  
as follows:

1. The appeal is dismissed without prejudice. The Division reserves the right to re-file the violation.
2. The Order of Suspension of operations contained in the Notice of Agency Action dated January 21, 1997 shall remain in effect until Utah Building Stone Supply acquires an approved Large Mining Operation Notice of Intention from the Division for its Grouse Creek Quarry located at Sections 2, 3, 4, 10, and 11, Township 12 North, Range 17 West; and Sections 34 and 35, Township 13 North, Range 17 West, Salt Lake Base Meridian, Box Elder County, Utah. Continued removal of mineral materials at the Grouse Creek operations will constitute a willful and/or knowing violation of the Utah Mined Land Reclamation Act.
3. UBSS agrees not to remove any mineral materials from any unpermitted site. Any removal by UBSS of mineral materials from an unpermitted site whether owned or controlled by UBSS or another entity shall constitute a willful and/or knowing violation of the Utah Mined Land Reclamation Act.
4. UBSS will file by no later than 5 p.m. in Salt Lake City on Monday, December 1, 1997, an administratively complete Large Mining Operation

application ("LMO") with the Division. UBSS agrees to correct any deficiencies with the LMO identified by the Division by January 5, 1998.

5. Each party will bear its own costs and attorneys' fees in this action.
6. For all purposes, a party's signature in a faxed copy of this stipulation shall be deemed the equivalent of a signed original.

AGREED to this 24<sup>th</sup> day of November, 1997.

DIVISION OF OIL, GAS, AND MINING

by Daniel G. Moquin

Daniel G. Moquin  
Assistant Attorney General

UTAH BUILDING STONE SUPPLY

by William L. Bown

William Bown as partner with  
Preston Bown and in his individual capacity

MOTION

The DIVISION and William Bown, in his individual capacity and as partner with Preston Bown in Utah Building Stone Supply, request that the Board issue an order consistent with the Stipulation.

### ORDER

Having read the STIPULATION, MOTION AND ORDER FOR DISMISSAL submitted by the Division of Oil, Gas and Mining ("Division"), and William Bown in the above-referenced matter, for good cause, the Utah Board of Oil, Gas and Mining hereby grants the Motion based on the foregoing Stipulation and adopts the Stipulation as a Board Order.

For all purposes, the Chairman's signature in a faxed copy of this Order shall be deemed the equivalent of a signed original.

SO ORDERED this 1st day of December, 1997.

STATE OF UTAH  
BOARD OF OIL, GAS & MINING

  
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Dave D. Lauriski, Chairman

### CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing STIPULATION, MOTION AND ORDER FOR DISMISSAL for Docket No. 97-017, Cause No. M/003/031 to be mailed by first-class mail, postage prepaid, this 2nd day of December, 1997, to the following:

William Bown  
Utah Building Stone Supply  
842 West 400 North  
West Bountiful, Utah 84087

Preston Bown  
Utah Building Stone Supply  
842 West 400 North  
West Bountiful, Utah 84087

Mike Ford  
Bureau of Land Management  
Salt Lake District Office  
2370 South 2300 West  
Salt Lake City, Utah 84119

John Blake  
School and Institutional  
Trust Lands Administration  
675 East 500 South, Suite 500  
Salt Lake City, Utah 84102

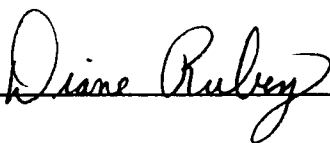
Sent by Hand Delivery to:

Patrick J. O'Hara  
Assistant Attorney General  
1594 West North Temple, Suite 300  
P.O. Box 140855  
Salt Lake City, UT 84114-0855

Daniel G. Moquin  
Assistant Attorney General  
1594 West North Temple, Suite 300  
P.O. Box 140855  
Salt Lake City, UT 84114-0855

Courtesy Copy to:

Lynn Kunzler, Senior Reclamation Specialist  
Division of Oil, Gas & Mining

  
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